

REMARKS

The above referenced application has been reviewed in light of the Office Action mailed May 22, 2008. Claims 1, 2, 5-17, and 20-22 are currently pending in this application with Claims 1 and 15 being in independent form. Claims 1 and 15 have been amended by this response. Amendments to the claims do not introduce new subject matter. In view of the amendments and the remarks to follow, reconsideration and allowance of this application are respectfully requested.

In the Office Action, Claims 1, 2, 5-7, 10, 12-14, and 21-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,330,441 to Prasad in view of U.S. Patent No. 5,178,628 to Otsuka and U.S. Patent No. 4,513,747 to Smith.

Applicants have hereby amended Claim 1 to recite, *inter alia*:

the needle end having a transition area, a proximal portion of the needle end disposed proximally of the transition area including a first length having a trapezoidal transverse cross-section..., at least a portion of the first length having a diameter that decreases distally towards the needle end, and at least a portion of the first length having a diameter that decreases proximally towards the central shaft of the needle body.

This configuration is shown in FIG. 5 of Applicants' disclosure, an annotated version of which is reproduced hereinbelow. For example, the first length "L1" may be defined as depicted in the annotations provided below in reproduced FIG. 5.

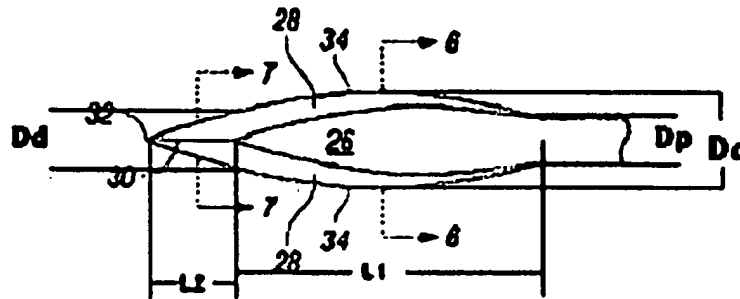
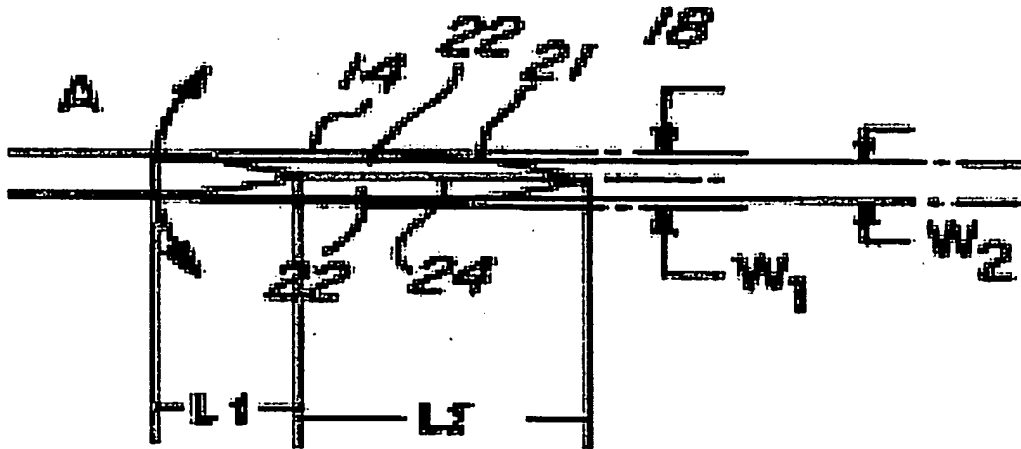


FIG. 5

It is noted that the first length "L1" corresponds to the portion of the needle end disposed proximally of the transition area and having a trapezoidal cross-section. As shown, a portion of the first length L1 includes a diameter "Dc". As illustrated, the diameter of the first length decreases distally from Dc towards the distal portion of the first length as represented by diameter "Dd." Additionally, the diameter of the first length also decreases distally from Dc towards the proximal portion of the first length as represented by diameter "Dp."

By contrast, each of the embodiments of Prasad only discloses that the diameter of the first length (which is asserted to be trapezoidal) increases distally towards the needle end. As shown in the annotated version of an enlarged portion of FIG. 3 of Prasad, illustrated below, the diameter of the first length, L1, increases distally along the entire length of L1. That is, the diameter W₂ of the proximal-most part of L1 is smaller than the diameter W₁ of the distal-most part of L1.



Therefore, Prasad fails to teach or suggest a surgical needle including, *inter alia*, “at least a portion of the first length having a diameter that decreases distally towards the needle end, and at least a portion of the first length having a diameter that decreases proximally towards the central shaft of the needle body,” as required by Claim 1.

Otsuka was relied on in the Office Action to teach a needle with a transition area having a first length and a distal portion of the needle disposed distally of the transition area having a second length, wherein the first length is longer than the second length.

Smith was relied on in the Office Action to teach a third cutting edge. Both Otsuka and Smith fail to cure the deficiencies of Prasad in that neither Otsuka nor Smith disclose a surgical needle including, *inter alia*, “at least a portion of the first length having a diameter that decreases distally towards the needle end, and at least a portion of the first length having a diameter that decreases proximally towards the central shaft of the needle body,” as required by Claim 1. Applicants respectfully submit that Prasad, Otsuka, and Smith, alone or in combination, fail to teach or suggest the claimed surgical needle and that there is no reason, motivation, or suggestion to combine Prasad with

Otsuka or Smith, respectively. Thus, the §103(a) rejection over Prasad in view of Otsuka and Smith has been overcome.

Since Claims 2, 5-7, 10, 12-14, and 21-22 depend from Claim 1 and contain all of the features of Claim 1, for at least the reason stated above, Claims 2, 5-7, 10, 12-14, and 21-22 are also allowable over Prasad in view of Otsuka and Smith.

Claims 8 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,330,441 to Prasad in view of U.S. Patent No. 5,178,628 to Otsuka and U.S. Patent No. 4,513,747 to Smith as applied to claim 6 above, and further in view of U.S. Patent No. 4,133,339 to Naslund. Applicants respectfully submit that Claims 8 and 9, which depend from Claim 1, are at least patentable for the reasons independent Claim 1 is patentable as outlined hereinabove. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,330,441 to Prasad in view of U.S. Patent No. 5,178,628 to Otsuka and U.S. Patent No. 4,513,747 to Smith as applied to claim 10 above, and further in view of U.S. Patent No. 4,524,771 to McGregor. Applicants respectfully submit that Claim 11, which depends from Claim 1, is at least patentable for the reasons independent Claim 1 is patentable as outlined hereinabove. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 15-17 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,330,441 to Prasad in view of U.S. Patent No. 5,178,628 to Otsuka and U.S. Patent No. 5,762,811 to Munoz. Applicants have hereby amended Claim 15 to recite, *inter alia*:

the second needle end having a transition area, a proximal portion of the needle end disposed proximally of the transition area including a first length having a trapezoidal transverse cross-sectional dimension inclusive of the first and second cutting edges..., at least a portion of the first length having a diameter that decreases distally towards the needle end, and at least a portion of the first length having a diameter that decreases proximally towards the central shaft of the needle body.

For at least the reasons stated above, Prasad and Otsuka are devoid of these features.

Munoz was relied on the Office Action to teach "first and second side cutting edges being generally arcuate and the third cutting edge extending in oblique relation relative to the longitudinal axis of the needle body." Munoz fails to cure the deficiencies of Prasad, Otsuka and Smith. Applicants respectfully submit that Prasad, Otsuka, and Munoz, alone or in combination, fail to teach or suggest the claimed surgical needle.

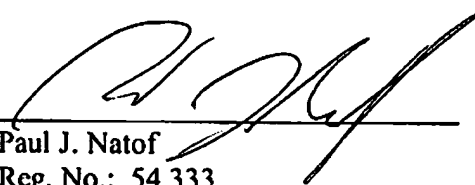
Thus, the §103(a) rejection over Prasad in view of Otsuka and Munoz has been overcome.

Since Claims 16, 17, and 20 depend from Claim 15 and contain all of the features of Claim 15, for at least the reason stated above, Claims 16, 17, and 20 are also allowable over Prasad in view of Otsuka and Munoz.

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In view of the foregoing amendments and remarks, Applicants submit that all of the claims are in proper format and are patentably distinct from the references of record and are in condition for allowance. The Examiner is invited to contact the undersigned at the telephone number listed below with any questions concerning this application.

Respectfully submitted,



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